GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

The A.P. Prevention of Dangerous Activities of Bootleggers, Dacoits, Drug Offenders, Goondas, Immoral Traffic Offenders and Land Grabbers Act, 1986 (Act No.1 of 1986) – Order of detention made by the Collector & District Magistrate, Chittoor District, Chittoor in respect of Sri Nasir Ullah Khan @ Haji Nasir @ Hazi, aged 49 years, S/o Nazeer Ullah Khan, D.No.74, 5th Cross, Old Pension Moula Ittaga Anjana Palem, Bangalore-18, Karnataka State – Confirmed - Orders – Issued.

GENERAL ADMINISTRATION (SC.I) DEPARTMENT

G.O.RT.No. 2650 **Dated: 29-11-2017**

Read the following:-

1. From the Collector & District Magistrate, Chittoor District, Chittoor, Proceedings No. REV-CSECOPDL(PRC)/10/2017-D.TH(C7), dt:05.10.2017.
2. G.O.Rt.No.2270, G.A.(SC.I) Dept., dated 12.10.2017.
3. Govt. Letter No.267/SC.I/A3/2017-2, Dated 22.10.2017.
4. From the Advisory Board Report Dated 17.11.2017.

*****

ORDER:

WHEREAS, the Collector & District Magistrate, Chittoor District, Chittoor has made an order of detention, vide reference first read above under Section 3 (1) & (2) r/w. Section 2 (a) & (g) of the Andhra Pradesh Prevention of Dangerous Activities of Bootleggers, Dacoits, Drug Offenders, Goondas, Immoral Traffic Offenders and Land Grabbers Act, 1986 (Act No.1 of 1986), against Sri Nasir Ullah Khan @ Haji Nasir @ Hazi, aged 49 years, S/o Nazeer Ullah Khan, D.No.74, 5th Cross, Old Pension Moula Ittaga Anjana Palem, Bangalore-18, Karnataka State, for illicit cutting, stocking and transportation of Red Sanders heartwood causing tremendous loss of National Wealth repeatedly, depletion of green cover resulting in adverse ecological balance having ramification on the health and well being of the public property and subsequently smuggling the same to Chennai & Bangalore and other places, this activities are prejudicial to the maintenance of public order;

2. AND WHEREAS, the Government have accorded approval of the said detention order under sub-section (3) of Section 3 of the Act, vide Government Orders second read above;

3. AND WHEREAS, under Section 10 of the Act, Government within three weeks from the date of detention of a person under the order shall place the case before the Advisory Board on Preventive Detentions, constituted under Section 9 of the said Act, comprising of Justice Sri T.L.N. Reddy (Retired), Chairman and two other Members and the Advisory Board shall submit its

(PTO)

report to Govt., within seven weeks from the date of detention under Section 11(1) of the said Act. The above said case was placed before the Advisory Board for its consideration and to submit its report to Government, under Section 11 (1) of the said Act, vide reference 3rd read above. The case was reviewed by the Advisory Board on 17.11.2017. After having heard the detenue, besides his wife – Smt Mohsin Taj; Brother – Sri Basheer Ahmed; Brother – Sri Naseerullah Khan & Son – Sri Nishad Khan and the Investigating Officers and also upon perusing the grounds of detention and the connected records, has reported that in its opinion, "there is sufficient cause for the detention of the detenue, "Sri Nasir Ullah Khan @ Haji Nasir @ Hazi, aged 49 years, S/o Nazeer Ullah Khan, D.No.74, 5th Cross, Old Pension Moula Ittaga Anjana Palem, Bangalore-18, Karnataka State**";**

4. AND WHEREAS, the Government on careful examination of the entire record it is observed that the detenue, Sri Nasir Ullah Khan @ Haji Nasir @ Hazi, aged 49 years, S/o Nazeer Ullah Khan, D.No.74, 5th Cross, Old Pension Moula Ittaga Anjana Palem, Bangalore-18, Karnataka State, was involved in as many as in 5 (five) cases. The above cases were registered against him, under the provisions of Section 307,353,447,379,411, 109,120(b) *IPC,* 20 (1)©(ii)(iii)(iv)(ix) & (x); Section 29, & 32 of A.P. Forest Act, 1967 r/w Section 36 r/w 32 (A) of A.P. Forest Amendment Act 2016; Rule 3 & 4 of A.P. Sandal Wood & Red Sanders Transit Rules 1969; 29 of Wild Life (Protection) Act, 1972 Section 3 of Prevention of damage to Public Property Act, 1985; Section 55 (1)(2) r/w 3,4,6, and 58 of Biological Diversity Act, 2002; Sec. 27 of Arms Act, 1989. The details shows that he is a habitual offender. He is committed a series of forest offences by entering Government Reserve Forests without proper authorisation, serving standing red sanders trees from the earth, and trying to smuggle the highly valuable red sanders heart wood to secret destinations in Bangalore & Chennai and other places. He is repeatedly committing forest offences involving the smuggling of red sanders, he has not stopped the same type of offences, even after cases and charge sheets were filed against him. It is also evident from the case records that he is engaging huge number of persons in the clandestine business and they were arrested along with the red sander stock at the time of cutting of trees and during transportation. The said activities are dangerous to forest wealth and prejudicial to maintenance of public order apart from disturbing the peace, tranquillity, social harmony / order in the society and he became a source of potential danger to the public. The said offences are punishable under Forest Act, 1967 and the rules made there under, as well as Chapter XVI or XVII or XXII of IPC. As such the activities of the individual falls under and within the meaning of 'Goonda' as defined under section 2(g) of Act 1 of 1986. All the incidents mentioned in the grounds of detention clearly substantiate as to how the acts of the detenue are prejudicial to the maintenance of public order. In catena of decisions, the Hon'ble Courts held that any acts of attempt or illegal cutting of the red sander trees and smuggling the timber, would certainly have its impact on the public order. The detaining authority having taken into

(Contd…3)

account and consideration of indulgence of the detenue in the above said activities repeatedly at regular intervals and having satisfied that the penal laws have failed to curb his illegal activities, has passed the detention order against the detenue by invoking the provisions under the Act 1of 1986, in order to prevent him from indulging further in such activities, which are prejudicial to maintenance of public order and dangerous to forest wealth. The Advisory Board after review of the case, has opined that there is sufficient cause for the detention of the detenue. As such, the detenue deserves the maximum period of detention, as provided under Section 13 of the Act;

5. Now, therefore, after due consideration of the report of the Advisory Board and the material available on record, Government, in exercise of the powers conferred under sub-section (1) of Section 12 read with Section 13 of the said Act, hereby confirm the Order of Detention made by the Collector & District Magistrate, Chittoor District, Chittoor in the reference 1st read above, as approved in the G.O. 2nd read above and direct that the detention of Sri Nasir Ullah Khan @ Haji Nasir @ Hazi, aged 49 years, S/o Nazeer Ullah Khan, D.No.74, 5th Cross, Old Pension Moula Ittaga Anjana Palem, Bangalore-18, Karnataka State, be continued for a period of 12 (Twelve) months from the date of his detention, i.e. 07.10.2017.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

DINESH KUMAR
CHIEF SECRETARY TO GOVERNMENT

To
Sri Nasir Ullah Khan @ Haji Nasir @ Hazi, aged 49 years, S/o Nazeer Ullah Khan, D.No.74, 5th Cross, Old Pension Moula Ittaga Anjana Palem, Bangalore-18, Karnataka State **through** the Superintendent of Jails, Central Prison, Kadapa, YSR District
The Superintendent of Jails, Central Prison, Kadapa, YSR District.
(He should serve the order on the detenue immediately under proper acknowledgement and arrange to read over and explain the contents of the same in the language known to him and report compliance to Government forthwith)
The Collector & District Magistrate, Chittoor District, Chittoor.
The Superintendent of Police, Chittoor District, Chittoor.
The Superintendent of Police, Urban Police District, Tirupathi.
Copy to:
The Director General of Police, A.P., Mangalagiri, Guntur District.
The Director General of Prisons and Correctional Services, A.P., Vijayawada.
The Addl. Director General of Police (Intelligence), A.P., Vijayawada.
The Special Government Pleader, Attached to LAG, High Court Buildings, A.P., Hyderabad.
SC/SF.

//FORWARDED::BY ORDER//

SECTION OFFICER (SC)